

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

NL INDUSTRIES, INC., et al.,

Defendants,

and

CITY OF GRANITE CITY, ILLINOIS,  
LAFAYETTE H. HOCHULI, and  
DANIEL M. McDOWELL

Intervenor-Defendants

C.A. No. 91-CV578-JLF

NOTICE OF DEPOSITION OF DEFENDANT  
GOULD INC.

To: Gould Inc.  
All Counsel of Record

Dependent on a ruling by the Court on the United States'  
Motion for a Ruling on the Appropriate Scope and Standard of  
Review of Agency Action and for a Protective Order Limiting the  
Scope of Discovery, please take notice that Plaintiff, the United  
States of America, will take the oral deposition, pursuant to  
Rules 30(b)(6) and 34 of the Federal Rules of Civil Procedure, of  
a representative or representatives of defendant Gould Inc.,  
commencing sometime in the weeks of May 18, May 25, and June 1,  
1992<sup>1</sup> at the offices of the United States Attorney for the  
Southern District of Illinois, 9 Executive Drive, Suite 300,  
Fairview Heights, Illinois 62208, or such other times and

<sup>1</sup> These weeks were agreed to by all counsel of record  
during telephonic conference calls on April 8 and 9, 1992.



locations mutually agreed upon by counsel. The deposition will continue from day to day as necessary. This deposition is dependent on the Court's ruling on the United States' motion, to be filed shortly with the Court. If the Court has not ruled, this deposition will not take place on these dates.

As required by Rule 30(b)(6), Gould, Inc. shall designate one or more officers, directors, managing agents, employees, or other persons who will testify on its behalf on each of the matters described below. The person(s) so designated shall testify as to matters known or reasonably available to the organization.

As required by Rule 34, the person(s) shall produce for inspection and copying all documents and tangible things, as defined in Rule 34(a), including but not limited to: all writings; memorandum (both intra and inter-office); correspondence; notes; maps; graphs; charts; tables; data compilations; photographs; drawings; and recordings of any kind, in his or her custody or control related in any way to Phase I of this litigation as follows:

MATTERS ON WHICH EXAMINATION IS REQUESTED

1. Your preparation of responses to the United States' Superceding Interrogatories and Request for Production of Documents to All Defendants in Accord with the First Case Management Order, including interviews of or other contacts with employees, and document searches conducted in the preparation of such responses, limited to Interrogatory numbers 1,2,4, and 5.

2. Your preparation of responses to the United States' Superceding Requests for Admission to All Defendants in Accord with the First Case Management Order, including interviews of or other contacts with employees, and document searches conducted in the preparation of such responses, limited to Requests for Admissions numbers 1-42.

3. All meetings you attended and/or were invited to attend with U.S. EPA or any other Potentially Responsible Party ("PRP") or defendant in this case concerning the Site through March 30, 1990, including the dates, places, times, subject matter and persons attending those meetings.

4. The circumstances surrounding your knowledge that U.S. EPA issued its proposed plan for the Site on January 10, 1990, including the date when you first learned that the proposed plan for the Site would be issued by U.S. EPA on January 10, 1990, the date when you first learned that the proposed plan for the Site was issued by U.S. EPA, and all persons who knew of the above dates.

5. The circumstances surrounding your receipt of U.S. EPA's proposed plan for the Site, including the date when you first received a copy of the proposed plan for the Site, and all persons who delivered a copy of the proposed plan to you and all persons who received a copy of the proposed plan for you for the Site on that date.

6. The identity of all documents you copied, received or reviewed before March 30, 1990 from the documents maintained in

the local Site files at the Granite City Library, the files at Region V, U.S. EPA, or any other document contained in the Administrative Record for the Site from any PRP or defendant, including the dates when those documents were copied, received or reviewed and from where.

7. U.S. EPA's compliance with Section 113(k) and 117 of CERCLA, 42 U.S.C. § 9613(k) and 9617, and the National Contingency Plan, 40 C.F.R. § 300.67 (1989) and 300.430 (1990).

Submitted this 15th day of April, 1992.

BARRY M. HARTMAN  
Acting Assistant Attorney General  
Environment and Natural Resources  
Division



KEVIN P. HOLEWINSKI  
LEONARD M. GELMAN  
Trial Attorneys  
United States Department of Justice  
Environmental Enforcement Section  
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Southern District of Illinois

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OF COUNSEL:

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Region V (5CS-3T)  
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HELEN KEPLINGER  
Attorney-Advisor  
U. S. Environmental Protection Agency  
Office of Enforcement  
401 M Street, S.W. (LE-134S)  
Washington, D.C. 20460

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Nu-Industries

LAW OFFICES

# PRETZEL & STOUFFER Chartered

ONE SOUTH WACKER DRIVE • SUITE 2500 • CHICAGO, ILLINOIS 60606-4673 • 312/346-1973

ITT TELEX 4330121 PSNR UI  
FAX NUMBER 312 346-8242

April 13, 1992

PLEASE REFER TO OUR FILE NUMBER

045085.0242

## VIA FEDERAL EXPRESS

Kevin P. Holewinski, Esq.  
U.S. Department of Justice  
Environmental and Natural Resources Division  
Environmental Enforcement Section  
P.O. Box 7611  
Ben Franklin station  
Washington, D.C. 20044

Re: U.S. v. NL Industries, Inc., et al.  
Court No.: 91-578-JLF

Dear Mr. Holewinski:

Enclosed and served herewith on you in connection with the captioned matter are Defendant Allied-Signal Inc.'s Responses and Objections to the United States' Superseding Requests for Admission to All Defendants, and Allied-Signal Inc.'s Objections and Answers to the United States' Superseding Interrogatories and Request for Production of Documents to Defendants, together with the Notice of Filing of the foregoing Responses and Objections to the United States' Superseding Requests for Admission.

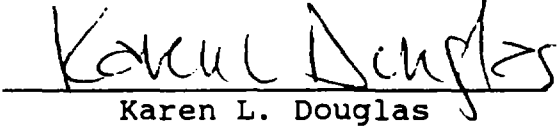
Please note that a verification for the foregoing discovery responses of Allied-Signal will be served shortly.

Please contact the undersigned if you have any questions about the enclosed information.

Very truly yours,

PRETZEL & STOUFFER, CHARTERED

By:

  
Karen L. Douglas

enclosures

cc: All Counsel of Record (by regular mail)  
fl:n:\wpdata\kld1\045085\0413nl.kph

Robert L. Berman  
Joseph E. Leberbauer  
Michael J. Miller  
Theodore S. Bero  
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Carol J. Schmitt  
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Karen L. Douglas  
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James P. Miller  
Herman J. Spier  
Elizabeth J. Miller  
Roger J. Miller  
Brighton Schmitt  
Nancy R. Miller  
Carol Lynn Rucker  
Lynn B. Miller  
Mark E. Miller  
Craig L. Miller  
Sara L. Miller  
Kurt L. Miller  
Michael D. Miller  
Michael A. Miller  
David A. Miller  
James M. Miller  
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Joseph M. Miller  
Marnie R. Miller  
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Suzanne M. Miller  
Linda L. Miller  
Michael R. Miller  
Andrew B. Miller  
Elizabeth Miller  
David M. Miller  
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Marc A. Miller  
Audrey A. Miller  
Jettie L. Miller  
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Stephen J. Miller  
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TELETYPE 4330121 PSNR UI  
FAX NUMBER 312 346-8242

April 13, 1991

PLEASE REFER TO OUR FILE NUMBER

045085.0242-299

## VIA FEDERAL EXPRESS

Office of the Clerk  
United States District Court  
Southern District of Illinois  
P.O. Box 249  
East St. Louis, IL 62201

Re: U.S. v. NL Industries, Inc., et al.  
Civil Action No.: 91 CV 00578-WLB

Dear Clerk of Court:

Pursuant to Rule 16 of the local rules of the United States District Court for the Southern District of Illinois, we enclose for filing Defendant, Allied-Signal Inc.'s Responses and Objections to United States' Superseding Requests for Admission to All Defendants, together with a Notice of Filing for same.

A self-addressed stamped envelope for return of a clerk-stamped copy has also been enclosed for your convenience.

Thank you for your anticipated cooperation.

Very truly yours,

PRETZEL & STOUFFER, CHARTERED

By: Karen L. Douglas  
Karen L. Douglas

KLD:jmm

cc: United States (via federal express)

All other counsel (via regular mail)

Notary Public 1045085 Clerk

Enclosures

Richard J. Bender  
Joseph B. Ledeneher  
Michael J. Merz  
Theodore G. Gend  
Lee M. Farber, Jr.  
Edward H. Neiser  
David J. Dougherty  
Richard S. V. S. A.  
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Glen P. S. A.  
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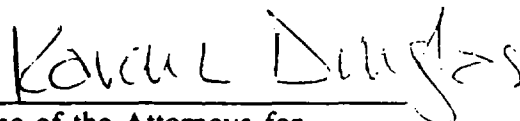
Intervenor-Defendants.

C.A. No. 91-CV578-JLF

NOTICE OF FILING

TO: See Enclosed Service List.

PLEASE TAKE NOTICE that on the 13th day of April, 1992, we will cause to be filed with the Clerk of the United States District Court for the Southern District of Illinois Defendant Allied-Signal Inc.'s Objections and Responses to the United States' Superseding Requests for Admission to All Defendants, a copy of which is attached hereto and herewith served upon you.



One of the Attorneys for  
Allied-Signal Inc.

Karen L. Douglas, Esq.  
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